

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNIS PACE,

Defendant.

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8:08CR362

ORDER

This matter is before the court on the motion to continue by defendant Dennis Pace (Pace) (Filing No. 41). Pace seeks a continuance of the trial of this matter which is scheduled for April 6, 2009. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Pace's motion to continue trial (Filing No. 41) is granted.
2. Trial of this matter is re-scheduled for **May 18, 2009**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 27, 2009 and May 18, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case and the defendant's physical condition. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(8)(A) & (B) and 3161(h)(4).

DATED this 27th day of March, 2009.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge